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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,758

04/02/2004

Roger Xiong

2019-0246PUS1

9962

2292

7590

12/17/2004

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EXAMINER

HARRIS, ANTON B

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/815,758

Applicant(s)

XIONG ET AL.

Examiner

Anton B Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (5,153,052).

Regarding claim 1, Tanaka et al. (col. 2, line 50 – col. 3, line 56) discloses a foot pad 1, comprising:

an elastic conical body 6 defining a connecting surface (figure 2), the connecting surface (figure 2) defining a hollow portion (col. 2, lines 66– 67); and

at least one elastic rib (figure 2) integrally connecting to the elastic conical body 6 at a surface of the hollow portion (col. 2, lines 66– 67).

Regarding claim 2, Tanaka et al. (col. 2, line 50 – col. 3, line 56) discloses that the elastic conical body 6 defines an outer conical surface 5, the outer conical surface 5 having an apex (figure 1) and a root portion 8 connecting with an outer edge of the connecting surface (figure 2), wherein a thickness of the elastic conical body 6 at the root portion 8 of the outer conical surface 5 is greater than a thickness of the elastic conical body 6 at the apex (figure 1) of the outer conical surface 5. See discussion at col. 3, lines 43-46.

Regarding claim 3, Tanaka et al. (col. 2, line 50 – col. 3, line 56) discloses that the elastic conical body 6 defines an outer conical surface 5, the outer conical surface 5 having an apex

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(figure 1) and a root portion 8 connecting with an outer edge of the connecting surface (figure 2), wherein a thickness of the elastic conical body 6 at the root portion 8 of the outer conical surface 5 is greater than a thickness of the elastic rib (figure 2).

Regarding claim 4, Tanaka et al. (col. 2, line 50 – col. 3, line 56) discloses that the elastic ribs (figure 2) are arranged perpendicular to each other.

Regarding claim 6, Tanaka et al. (col. 2, line 50 – col. 3, line 56) discloses that the elastic ribs (figure 2) are made of silicone (col. 4, line 32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. in view of Miller (5,160,105).

Regarding claim 5, Tanaka et al. discloses the invention substantially as claimed, but lacks that the elastic ribs are arranged parallel to each other.

Miller (figure 2) teaches that the elastic ribs 24 are arranged parallel to each other.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Tanaka et al. by providing that the elastic ribs are arranged parallel to each other in order to grip the device in view of the teachings of Miller.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. in view of Sutton (1,894,453).

Regarding claim 7, Tanaka et al. discloses the invention substantially as claimed, but lacks that the elastic conical body and the elastic ribs are made of natural rubber.

Sutton (col. 2 lines 63-64) teaches that the body 13 and the ribs 21 are made of natural rubber.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Tanaka et al. by providing that the body and the ribs are made of natural rubber in order to manufacture the device into certain contours in view of the teachings of Sutton.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Ma U.S. Patent No. 5,400,998 discloses a conical-shaped foot having a thickness of the conical body at the root portion of the outer conical surface being greater than a thickness of the elastic conical body at the apex.

Trebes et al. U.S. Patent No. 3,704,848 discloses a conical-shaped foot.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

12/11/04



**ANTHONY DINKINS
PRIMARY EXAMINER**